

Exhibit No.

5

Date

3-16-2011

Bill No.

HB 306

Mr. Chairman and Members of the Committee  
I am Mary Kay Craig, 518 West Granite Street in Butte.

I ask you to vote against HB 306.

I coordinated the signature gathering for Initiative 164 in Butte-Silver Bow in the spring of 2010. I was trained to become a Notary at a workshop conducted by the Secretary of State's office. I was instructed in the keeping of a notary journal and the importance of that journal should any of my notarial acts be challenged later.

Our signature gathering campaign stressed the need to keep track of each petition sheet: which individual signed the numbered sheet out and the date on which the sheet was returned. I trained every signature gatherer in the legalities of signature gathering. I assigned them places to work. When a day of signature gathering concluded, I met with each of my people and tracked how many signatures they collected. For each sheet of 20 names they turned in I had them swear the oath required by signing an affidavit. It verified they did indeed collect those signatures in accordance with law, and then they were required to sign my notary journal which notated each sheet turned in.

As a consequence of this frequent notarizing of affidavits, I was able to account for every numbered petition sheet and had a record of the name, address and phone number of each of my volunteers. I could say who collected which signatures. I wish to stress the importance of my entries in that notary journal. It meant that I always had a written backup for what transpired. And my frequent meeting with my gatherers to notarize affidavits ensured that no petition sheet went missing. That played an important part in doing away with the possibility of illegal signatures.

From the notary training class I attended at the outset I learned of, and was amazed at, just how vulnerable a notary is in the case of a challenge. The notary can be sued and lose personal property. By being required to keep documentation in the form of the notary's book, the notary is not just relying on memory, but is able to look back into the book and its strictly numbered pages to say what is true and what is not. Otherwise, the individual notary is subject to all manner of speculative, opportunistic legal challenge.

Likewise, the great State of Montana is not as likely to be challenged in court over documents that have been notarized and have a paper trail, a tracking mechanism that stands up in court to bring truth beyond the "he said," "she said" level.

As well, individual businesses in Montana are not left hanging on the memory of individuals, but can refer to the legal documentation in their notary's journal to defend themselves from accusations of impropriety.

The requirement of a notary book assures that NO ONE can pull a fast one on the State of Montana, its business community, or its citizens by gathering signatures or notarizing documents that are not able to be verified through trackable documentation.

Thank you for the opportunity to speak on this important subject.

*Oral Cut due to time constraints of hearing.*

Mr. Chairman and Members of the Committee

I am Mary Kay Craig, 518 West Granite Street in Butte.

*I am a Notary Public for the State of MT and a former business owner.*  
I ask you to vote against HB 306.

~~I coordinated the signature gathering for Initiative 164 in Butte-Silver Bow in the spring of 2010. I was trained to become a Notary at a workshop conducted by the Secretary of State's office. I was instructed in the keeping of a notary journal and the importance of that journal should any of my notarial acts be challenged later.~~

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*Sally Hollis, Clerk & Recorder of BSB county asked me to include in my*  
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*testimony that she opposes*  
*HB 306*